

Symington Says Haig Should Quit Army Post

MAY 28 1973

Washington

Senator Stuart Symington, as acting chairman of the Senate Armed Services Committee, has questioned President Nixon's legal authority to make General Alexander M. Haig Jr. the new chief of staff of the White House while the general still serves as Army vice chief of staff.

In a letter to Elliot Richardson written before Richardson resigned last week as defense secretary to become attorney general, Symington suggested that under

"the cherished concept of civilian supremacy in the American body politic" as well as under specific provisions of law, Haig would have to resign his Army post if he is to continue as White House chief of staff.

Symington noted that a provision in the U.S. Code of Laws provides that no military officer "may hold a civil office by election or appointment" and "the acceptance of such a civil office or the exercise of its function by such an officer terminates his military appointment."

When this legal issue was raised earlier this month by Public Citizen Inc., a Ralph Nader group, the Defense Department's legal officer took the position that the legal provision cited by Symington was "not applicable" to Haig.

The department argued that Haig was "but the latest of several Army and Navy officers who over the years have been detailed by the President to perform wide range of duties in the office of the President" and that "officers so detailed function as military officers, performing duties assigned by the President under his constitutional authority as commander in chief."

N.Y. Times Service